

REMARKS

In response to the Office Action mailed 19 August 2009, the Applicants request the Examiner to enter the above amendments and reconsider the above-captioned application in view of the above amendments and the following comments.

In the Office Action, Claims 15-26, 44-64 and 68-74 were pending. By this paper, Claims 15, 20, 22, 25, 44, 68, and 73 have been amended and Claims 16 and 69 have been canceled. Claims 15, 17-26, 44-64, 68 and 70-74 remain pending in this application. In view of the following remarks, Applicant requests further examination and reconsideration of the present patent application.

Claim Objections

The Examiner has objected to Claims 16 and 69 as being of improper dependent form for failing to further limit the claims from which these claims depend. The Applicants have canceled these claims.

Rejection of Claims under 35 U.S.C. §112

The Examiner has rejected Claims 15-21 under §112 for indefiniteness. The Applicants have amended Claim 15, from which Claims 17-21 depend (Claim 16 being canceled) to address the Examiner's concern. In particular, Claim 15 now clearly recites that the "article" addressed in the parsing step is the same article from the first "retrieving" step. Claim 15 has also been amended to eliminate the concern regarding antecedent basis for "the degree" of match recited in the final step. In addition, Claim 15 has been amended to make clear that the comparison of structured event records to various templates which they may match is carried out in the "using temporal reasoning" step. The Applicants further note that although the structured event records and the templates are not identical in form, that the templates are structured such that they represent different types of possible events (see Applicants' specification, paragraphs 0036-0039),

Reply to Office Action of 19 August 2009

and that a structured event record and a template of pattern events may match to a greater or lesser degree. The amendments to Claim 15 recite this aspect more clearly.

Claim 20 has also been rejected for vagueness, based on the structure of the alternative elements recited. Claim 20 has been amended to eliminate this vagueness.

With these amendments to Claims 15 and 20, the Applicants submit that Claims 15 and 17-21 fully comply with all requirements of §112 and request that the Examiner withdraw the rejections under this section from these Claims.

The Examiner has also rejected Claims 22, 44 and 68 for the same reasons as Claim 15, above. Corresponding amendments to these claims have been made to address these concerns. Similarly, Claims 25 and 73 are rejected for reasons corresponding to the rejection of Claim 20, above. Corresponding amendments to Claims 25 and 73 have been made to parallel the amendments made to Claim 20.

With these amendments, the Applicants submit that Claims 22-26, 44-64, 68 and 70-74 are in compliance with all requirements of §112 and request that the Examiner withdraw the rejections under this section from these Claims.

Rejection of Claims under 35 U.S.C. §101

The Examiner has rejected Claims 15-21 and 22-26 under §101 for being drawn to non-statutory subject matter. In particular, the Examiner notes that a process claim must be tied to a particular machine or apparatus or transform the underlying subject matter. With the amendments made herein, the Applicants submit that these requirements are fully met, as will be discussed below.

The Examiner has stated that the processes described in Claims 15 and 22 could be performed manually, and therefore the process was not tied to an apparatus. The Applicants have amended Claims 15 and 22 to recite that the method claimed is “a computer-implemented method”. These methods are now tied to an apparatus (i.e., a computer) and cannot be performed manually within the claims.

Reply to Office Action of 19 August 2009

In addition, the Applicants note that the citation to Bilski does not apply to these method claims as presented. Although a transformation of a business risks would not meet the requirements under Bilski, the Applicants note that the recited method claims do not manipulate business risks, but rather take natural language textual data and use that non-qualitative data to generate a qualitative measure of business risk. Such a transformation from qualitative to quantitative data is transformative – the final result of executing the method (a probability of risk measure – see Claim 15) is distinct from the source information (a plurality of natural language articles with qualitative information). The source information is not quantitative, and is not determinable from the final information (that is, the process cannot be reversed). The final information IS quantitative, and represents the central purpose of the claimed process (see Claim 15, e.g.: “A method for determining business risk of a target business entity ...”).

Because the process described is tied to performance by computer, and represents a transformation of data, the Applicants submit that Claims 15 and 17-26 as amended are directed to statutory subject matter and request that the Examiner withdraw the rejection of these Claims under §101.

The Examiner has rejected Claims 44-53 as being directed to non-statutory subject matter. In particular, the Examiner notes that as a system claim, the apparatus claimed must be structurally distinguishable from the prior art. The Applicants have amended Claim 44, from which the other rejected Claims depend, to recite structural elements to which the recited functions are tied. The Applicants submit that with these amendments, Claims 44-53 are properly drawn to statutory subject matter under §101 and request that the Examiner withdraw the rejection under §101 from these claims as amended.

The Examiner has rejected Claims 68-74 as being directed to non-functional descriptive data. The Examiner has also suggested a particular form of amendment to the preamble which would properly place such ‘computer readable media’ claims into a form that is statutory. The Applicants have amended Claim 68 as the Examiner has suggested,

Reply to Office Action of 19 August 2009

and submit that with this amendment, Claim 68, and Claims 70-74 which depend from Claim 68, are now properly drawn to statutory subject matter and request that the rejection under §101 be withdrawn from these claims.

Response to Rejection under 37 U.S.C. §103

The Examiner has rejected independent Claims 15, 22, 44 and 68, as well as dependent claims 17-21, 23-26, 45-53 and 70-74 which depend from these independent claims, as being unpatentable over United States Patent Application Publication Number 2004/0103147 to Flesher et al. (hereinafter “Flesher”). The Applicants submit that with the amendments above, these independent Claims and those claims which depend from them, are not rendered unpatentable by Flesher, for the reasons discussed below.

Firstly, the Applicants note that Flesher is not analogous art to their invention. In particular, the Applicants note that Flesher is not about determining business risk, either in a qualitative or quantitative sense, but is merely a system designed to minimize the risks involved in sharing data that, if improperly shared, would carry business risk. In fact, Flesher does not concern the identification or use of data in any particular way, but is directed to how to provide appropriate access to data from multiple sources that may be subject to various access restriction schemes. Although such a system may be used as part of a system that delivers textual data, such as that which is considered source information for the instant system, the described systems and processes are entirely directed to the access control restrictions that apply to such sensitive data when shared between entities. No aspect of Flesher is directed to determining or analyzing business risk, nor is any aspect of the analysis performed within Flesher predicated on the nature of the target.

Therefore, because Flesher is entirely directed to the process of managing access to data subject to restrictions based upon the sensitivity assigned to that information and the rules restricting who can access it, and the instant claims are directed to systems for analyzing and determining business risk on the basis of the content of information in

Reply to Office Action of 19 August 2009

textual sources, the Applicants submit that Flesher represents non-analogous art and cannot form the basis of a proper rejection of the Applicants' claims under §103.

Secondly, the Applicants note that even if Flesher were analogous art, there are elements claimed by the Applicants that are neither taught nor suggested by Flesher. For example, independent Claims 15, 22, 44 and 68 each recite "structured events records". These are defined within the Applicants' specification. The Examiner has suggested that paragraph 0082-0084 and paragraph 0101 of Flesher show generating a structured events record related to event details and relationships. However, Flesher discusses not events records, but records that are related to the reformatting of data (see paragraph 0082-0084) and the sensitivity of that data. These structures are not generated from natural language text, as discussed in Applicants' specification. Nor are the comparisons described in Flesher related to determining whether or not events related to a target business have occurred.

Claims 15, 22, 44 and 68 also recite the use of "templates of pattern events", one or more of which may be applicable to the various structured events records that are determined. No such template that defines the types of possible events to be measured is discussed or suggested anywhere within Flesher. While the Examiner directs the Applicants to Figures 18 and 19 and paragraphs 0082 and 0084, these areas, as noted above, are directed to access control restrictions, not a determination of whether or not particular events have occurred, and whether those events fit a recognized pattern. In particular, since the analysis taking place in the cited portions of Flesher are directed to aspects of the metadata of the information being processed (i.e., under what conditions access can be granted to the underlying data), while the instant claims are directed to extracting particular forms of content of the textual data itself, it can clearly be seen that no templates directed to particular forms of structured content data are found in Flesher.

Because no structured events records or templates are found in Flesher, the recited step of determining a degree to which each template fits the structured record of an event

Reply to Office Action of 19 August 2009

is necessarily absent. Such a matching effort is present in some form in each of the independent claims.

Finally, nowhere in Flesher is the risk associated with transacting with a particular business addressed at all. While, as noted above, the use of a system such as that described in Flesher may reduce the risks experienced by a business that uses it, Flesher's system does not quantify the risk associated with a particular business being described in the natural language literature, as the instant invention recites.

Because these elements are neither taught nor suggested by Flesher, Flesher cannot render the instant claims as amended unpatentable under §103.

Thirdly, the Examiner suggests that even with a particular element (the text pattern deconstruction of articles into structured event records) missing (see Office Action, page 10, last paragraph), that the element would be obvious to a skilled artisan for incorporation into a system such as that taught by Flesher. The Applicants disagree.

The use of textual decomposition for the purpose of being able to extract an event record suitable for comparison and determination of business risk is present in every independent claim presented, and it is this transformation from qualitative information in unstructured form, into a structured form, and from there into a quantitative measure of risk that is the central goal of the Applicants' claims. The Examiner's suggestion that similar textual querying parameters does not recognize the relevant element is in performing queries that allow for a properly recognition of those results which can be formed into structured record with which to match the templates. Such an approach has nothing to do with access control systems such as Flesher.

That such elements are completely absent from Flesher suggests that the only basis for adding such additional features to Flesher comes from the Applicants' specification itself. Such use of hindsight to determine which elements of the Applicants' claims would need to be added to such an unrelated system as Flesher is an improper application of hindsight to art such as Flesher, and cannot form the basis for a proper rejection under §103.

Furthermore, the addition of such textual matching and analysis to Flesher would only make sense if the access control restrictions or sensitivities of the various sources of information being addressed in Flesher were being presented in natural language (that is, textual) form. Access control rules, such as those addressed within Flesher, are rules of logic and are generally represented symbolically, rather than by natural language descriptions. The inherent ambiguity possible with natural language descriptions of such access control rules makes the use of text an unnatural and disadvantageous way to represent such rules. Therefore, the addition of the textual analysis technique to determine structured event records, as recited in all of the claims of the instant case, would be irrelevant at best to the system described in Flesher, and would only be operative if Flesher were first modified to introduce a different (and less-effective) means of storing the access control restrictions and rules that governed the distribution of the sensitive data.

For all these reasons, the Applicants submit that Flesher does not render the independent claims of the instant case (Claims 15, 22, 44 and 68) unpatentable under §103. The Applicants therefore respectfully request that the Examiner withdraw the rejection of all pending claims under §103, and pass Claims 15, 17-26, 44-64, 68, and 70-74 to allowance.

If other minor issues remain unresolved, the Examiner is invited to telephone the Applicant's counsel at the number provided below. Any additional fees for the accompanying response are hereby petitioned for, and the Director is authorized to charge such fees as may be required to Deposit Account 07-0868.

Respectfully submitted,

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